

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

---

<b>DENISE BERRY, o/b/o M.E.,</b>	<b>:</b>	<b>CIVIL ACTION</b>
	<b>:</b>	
<b>Plaintiff,</b>	<b>:</b>	
	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>NO. 09 - 4390</b>
	<b>:</b>	
<b>MICHAEL J. ASTRUE, Commissioner of Social Security,</b>	<b>:</b>	
	<b>:</b>	
<b>Defendant.</b>	<b>:</b>	

---

**O R D E R**

AND NOW, this 2nd day of February 2011, upon consideration of plaintiff's Complaint, requesting review of an adverse decision of the Commissioner dated April 1, 2009 (Document No. 3, filed September 30, 2009), Plaintiff's Motion for Summary Judgment (Document No. 10, filed February 12, 2010) and Defendant's Response to Request for Review of Plaintiff (Document No. 11, filed March 11, 2010), after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice (Document No. 13, filed August 26, 2010), Plaintiff's Objections to the Report and Recommendation of United States Magistrate Judge (Document No. 17, filed October 26, 2010) and Defendant's Response to Plaintiff's Objections to the Report and Recommendation of the U.S. Magistrate Judge (Document No. 18, filed November 4, 2010), for the reasons set forth in the Memorandum dated February 2, 2011, **IT IS ORDERED** as follows:

1. The Report and Recommendation of United States Magistrate Judge Timothy R. Rice (Document No. 13, filed August 26, 2010) is **APPROVED AND ADOPTED** as supplemented

by the Memorandum dated February 2, 2011;

2. Plaintiff's Motion for Summary Judgment (Document No. 10, filed February 12, 2010) is **DENIED**;
3. Plaintiff's Request for Review of the adverse decision of the Commissioner dated April 1, 2009 is **DENIED**;
4. Plaintiff's Objections to the Report and Recommendation of United States Magistrate Judge (Document No. 17, filed October 26, 2010) are **OVERRULED**; and
5. The Clerk shall **MARK** the case **CLOSED**.

**BY THE COURT:**

/s/ Hon. Jan E. DuBois  
**JAN E. DUBOIS, J.**